## STATE PERSONNEL BOARD, STATE OF COLORADO Case Number 2003B077

| ORDER OF THE STATE PERSONNEL BOARD  |  |
|---|--|
| JAMES MASSE,  |  |
| Complainant,  |  |
| VS.   |  |
| DEPARTMENT OF CORRECTIONS,  |  |
| Respondent.   |  |
| This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on October 19, 2004. During this public session, the Board considered the record on appeal, including but not limited to: |  |
| <ol> <li>Amended Initial Decision</li> <li>Complainant's Opening</li> <li>Respondent's Opening I</li> <li>Complainant's Reply Bri</li> </ol>  | Brief on Appeal<br>Brief   |
| Based upon the Board's review and consideration,  |  |
| IT IS HEREBY ORDERED that the findings of fact and conclusions of law in the Amended Initial Decision of the Administrative Law Judge be ADOPTED; and   |  |
| IT IS FURTHER ORDERED that the Amended Initial Decision of the Administrative Law Judge is adopted and made an Order of the Board.  |  |
| Dated this day of October, 2004.  | John Zakhem Board Chair State Personnel Board 1120 Lincoln Street, Suite 1420 Denver, Colorado 80203 |

## **NOTICE OF APPEAL**

Each party has the following rights:

- 1. To abide by this decision of the State Personnel Board; or
- 2. To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4-106(11), C.R.S. (2004), as provided in Section 24-50-125.4(3), C.R.S. (2004).

In the event the decision is appealed, the Board requests that a copy of the Notice of Appeal filed with the Court of Appeals also be filed with the State Personnel Board at: 1120 Lincoln Street, Suite 1420, Denver, CO 80203. Such will aide in the timely preparation of the record.

## **CERTIFICATE OF MAILING**

This is to certify that on the \_\_\_\_\_ day of October, 2004, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD**, in the United States mail, postage prepaid, addressed as follows:

Lohf Shaiman Jacobs Hyman & Feiger PC Alan S. Thompson, Esq. Stephen E. Kapnik, Esq. 950 South Cherry Street, Suite 900 Denver, Colorado 80246

and in the interagency mail, to:

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